

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5021, -5022, -5023

ALABAMA AIRCRAFT INDUSTRIES, INC. - BIRMINGHAM,

Plaintiff-Cross Appellant,

v.

UNITED STATES,

Defendant-Appellant,

and

THE BOEING COMPANY,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in 08-CV-470,
Judge Charles F. Lettow.

ON MOTION

Before **MAYER**, Circuit Judge.

The Boeing Company moves to strike a portion of Alabama Aircraft Industries, Inc. – Birmingham's reply brief. Alabama Aircraft moves for leave to respond with response attached. Boeing moves for leave to reply with reply attached.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to strike is deferred for consideration by the merits panel that is assigned to hear this case.

(2) Copies of this order and the parties' papers shall be transmitted to the merits panel assigned to hear this case.

(3) The motions for leave to respond and reply are granted.

JUL 22 2009

Date

cc: David R. Hazelton, Esq.
Scott M. McCaleb, Esq.
Douglas K. Mickle, Esq.

s19

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 22 2009

**JAN HORBALY
CLERK**